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Attorney for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA AT FAIRBANKS

ROBERT PROBERT and LORETTA E.)
PROBERT, and others similarly situated,)
Plaintiffs,)
vs.)
FAMILY CENTERED SERVICES OF)
ALASKA, INC. and DOES I to X, (Managerial)
Employees Jointly Liable))
Defendants.)

) Case No. 4:07-cv-00030-RRB

DECLARATION BY LORETTA PROBERT

I, LORETTA PROBERT, declare and state that:

- 1) I am an adult resident of the State of Alaska, , fully competent to testify and I testify about the following facts upon my personal knowledge.

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- 2) I was employed as a "houseparent" by Defendant Family Centered Services of Alaska, Inc. (hereafter FCSA).
- 3) FCSA employed me as a therapeutic parent, and in other capacities, on or about July 24, 2006. When hired, I was told I was to be paid for 20 hours per week which was apparently changed to 18 hours a week. When I was hired FCSA classified me as an exempt employee. FCSA represented to me that I was not entitled to non-exempt status based upon the Alaska Wage and Hour Act (AWHA). FCSA told me nothing about the Federal Fair Labor Standards Act (FLSA).
- 4) I worked more than the 18 hours per week I was told was required throughout my employment. I was not paid for all hours that she worked. I was not paid overtime for hours worked in excess of 40 per week.
- 5) On September 20, 2007, I wrote to FCSA and advised that I did not think that I was exempt from overtime and requested either a reason why the FLSA did not apply or for FCSA to make arrangements for FCSA to pay me what was due. No response to my letter was had. No further payment of money owed to me was made.
- 6) The persons living at the various FCSA centers are almost all severely mentally ill, Severely Emotionally Disturbed (SED) or defective. They almost all received psychological counseling. Some are so dysfunctional that they cannot attend regular schools and are tutored at FCSA. As a houseparent it was my job to assist in the care of these SED children.
- 7) Despite any stated purpose to the contrary, the primary reason FCSA exists is to care for SED children.

8) Sources for FCSA's income include Medicaid and *per diem* payments and money from other sources.

9) My working hours per week at FCSA sometimes exceeded forty (40) hours per week and entitled me to overtime.

10) I was not always paid for all hours that I worked in a week by FCSA.

11) I was paid on an hourly basis, and not on a weekly basis by FCSA.

12) At least half of the residents of FCSA have been subject to evaluations of mental or emotional disturbance by a qualified practitioner, either subsequent to or preceding admission, as the cause for referral.

13) On information and belief, FCSA is an institution primarily engaged in (i.e., more than 50% of the income is attributable to) providing domiciliary care to individuals who reside on the premises. The individual residents are either referred by a psychological professional or seen and diagnosed shortly after arrival.

Declaration

I declare under penalty of perjury, under the laws of the United States of America, that the foregoing is true and correct.

Executed on December, 20, 2007.

Loretta Probert
Loretta Probert